

REMARKS

Claims 1-10 are pending in this application, claim 10 being withdrawn. By this Amendment, claims 1, 2 and 10 are amended. The above amendments introduce no new matter. Support for amended claims 1 and 10 can be found, for example, on page 23, lines 8-15 of the specification. Claim 2 is amended to correct a minor informality. Reconsideration of the rejection in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 1-9 under 35 U.S.C. §103(a) over U.S. Patent No. 5,757,399 to Murayama et al. (hereinafter "Murayama") in view of U.S. Patent No. 6,375,305 to Sugimoto et al. (hereinafter "Sugimoto"). This rejection is respectfully traversed.

Independent claim 1 recites, among other features, a secondary recovery portion including an ink absorber, which draws and absorbs the ink due to a capillary phenomenon from the primary recovery portion by contacting the ink absorber to the primary recovery portion to recover the ink. The alleged combination of Murayama and Sugimoto cannot reasonably be considered to have suggested this feature.

Regarding Murayama, the Office Action alleges that the recovery container 2 of Murayama corresponds to the claimed primary recovery portion, and that the waste ink catch 2032 of Murayama corresponds to the claimed secondary recovery portion. The Office Action further asserts that the recovery container comes into contact with the waste ink catch via waste ink opening 13. Despite these assertions, Murayama does not teach a secondary recovery portion including an ink absorber, which draws and absorbs the ink due to a capillary phenomenon from the primary recovery portion by contacting the ink absorber to the primary recovery portion to recover the ink.

Murayama merely discloses that the ink flows from the recovery container to the waste ink catch via the waste ink opening (see, e.g., col. 18, lines 11-18). The waste ink opening and the waste ink catch do not contact each other at any time during the flow of ink from the recovery container to the waste ink catch. Moreover, Fig. 16 of Murayama shows that the ink drops into the waste ink catch without any contact between the waste ink catch and the recovery container.

Sugimoto does not remedy the above-identified shortfalls of Murayama. Sugimoto merely discloses a waste ink tank 30 that includes a waste ink absorber that receives droplets of ink (see, e.g., col. 4, lines 48-57). The ink is discharged into the waste ink tank through waste ink supply path 42. Moreover, it is clear from Fig. 3 of Sugimoto that there is no contact between the waste ink absorber and any of the cap 17, ink supply path 41, suction pump 40, waste ink supply path, and the waste ink absorber, at the time the waste ink absorber absorbs the ink droplets.

For at least these reasons, the alleged combination of Murayama and Sugimoto cannot reasonably be considered to have suggested all of the features positively recited in claim 1. Further, claims 2-9 also would not have been suggested for at least the respective dependence of these claims directly or indirectly on an allowable independent claim 1.

Accordingly, reconsideration and withdrawal of the §103(a) rejection of claims 1-9 are respectfully requested.

For the reasons discussed below, Applicant requests rejoinder of withdrawn claim 10. MPEP § 821.04 provides that withdrawn claims may be rejoined if they require all the limitations of an allowable claim. For the reasons discussed above, Applicant submits that independent claim 1 is allowable. Further, Applicant submits that independent claim 10 may be rejoined because it includes all of the features of claim 1. Accordingly, Applicant requests rejoinder and allowance of independent claim 10 for reasons similar to claim 1.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Timothy S. Smith
Registration No. 58,355

JAO:TSS/hms

Attachment:
Request for Continued Examination

Date: October 18, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--